



August 15, 2011

Ms. Sandra Manning
Project Manager, Regulatory Branch
Department of the Army
Seattle District, Corps of Engineers
PO Box 3755
Seattle, WA 98124-3755

RE: Comments Resulting from July 13, 2011 Consulting Party Meeting

Dear Ms. Manning,

Thank you for convening last month's meeting of consulting parties and agencies with an interest in the project to replace the McMillin Bridge, SR 162, spanning the Puyallup River in Pierce County. It was useful and productive to gather all stakeholders for a face to face meeting. Please accept the following comments from the Washington Trust for Historic Preservation as a follow-up to last month's meeting.

Consulting parties and agencies met in July to discuss the McMillin Bridge Alternatives Analysis WSDOT completed just prior to the meeting, make recommendations for the inclusion of additional information, and provide comment intended to inform the Army Corps of Engineers as they carry out their responsibility as the lead federal agency through the Section 106 process. Based on WSDOT's presentation, the Washington Trust has a number of specific concerns, highlighted below.

Time was spent during the meeting discussing the physical barriers the bridge poses in terms of obstructing the natural flow of the river and meeting current floodplain standards. These issues are connected, in part, to maintenance concerns for the bridge. For instance, a build-up of debris has the potential to cause damage and incur extra costs. When pressed, WSDOT could not point to an incident of debris build-up at the McMillin Bridge, despite unusually high river conditions in the recent years. The take away is that consulting parties need to see data and/or maintenance records for the bridge that would provide a point of comparison for actual maintenance events between the McMillin Bridge and other WSDOT managed spans. It stands to reason that a bridge, once removed, poses no future risk for debris. But this alone is not a valid reason for removing the bridge, especially if there is no identifiable track record of problems at this location.

We heard from federal agencies regarding the need to remove the bridge from the standpoint of the Endangered Species Act (ESA). While it is certainly understandable that removing the footprint of structures in riverways will have long-term benefits for habitat restoration, it was clear that the McMillin Bridge was one of literally dozens (if not hundreds) of obstacles to full river restoration.

The perception seemed to be that the McMillin Bridge offered an opportunity to remove one of these obstacles. Considered strictly from the standpoint of the ESA, this would appear to be a reasonable stance. But this approach fails to take other legitimate concerns surrounding the bridge into consideration. The broader issue is competing federal mandates. Agencies directly involved in facilitating ESA compliance will call for bridge removal. Yet the National Historic Preservation Act (NHPA) is federal legislation calling for the preservation of resources able to convey a significant connection to our nation's history and symbolize our heritage. The McMillin Bridge, listed in the National Register of Historic Places and universally acknowledged as a one of a kind bridge design, does exactly that. Does the ESA trump the NHPA?

WSDOT acknowledged engaging in the practice of off-site mitigation where direct mitigation at the project site is infeasible for technical or other reasons, such as cultural considerations. Given this, the Alternatives Analysis should include possible off-site mitigation as a means to comply with the needed ESA and other considerations. Because of the historic significance of the bridge, identifying other sites where river improvements can be implemented should take precedence over demolition.

One of WSDOT's long-term concerns deals with ownership: as an agency, WSDOT is not in the business of maintaining de-commissioned bridges that no longer meet transportation mandates. Yet, WSDOT does continue to own and maintain at least one other bridge for reasons of cultural and historic significance. Given the significance of the McMillin Bridge as possibly the only bridge of its type remaining in the world, it is warranted that similar considerations should be afforded the McMillin Bridge. In terms of cost (for any potential future owner), an analysis of future costs should be firmly rooted in past costs to the bridge, both maintenance and unanticipated costs related to floods, high water, etc. (further emphasizing the need to see maintenance records).

Continuing on the issue of ownership, in its analysis WSDOT does acknowledge a willingness to leave the bridge in place if an entity willing to assume ownership, along with all the responsibilities this entails, steps forward. While positive from the standpoint of retaining the bridge in situ, this position brings into question arguments for bridge removal stemming from the stated need to improve habitat and restore the river. It is contradictory for WSDOT to put forth arguments for bridge removal based on environmental considerations but then concede to bridge retention provided a new ownership entity can be found. Again, this relates to the argument of environmental vs. cultural considerations at play.

As is often the case, the biggest driving force for removing the bridge appears to be cost. Table 1 included in the Executive Summary of the Alternatives Analysis bears this out: Alternative 5, demolition of the bridge, is estimated to be the least expensive option to implement. Budgets being what they are, cost factors necessarily need to take precedence for agency decision making. But it is important to make clear that the Section 106 process includes several factors in addition to cost. Nor is cost the primary consideration during 106 consultation. While keeping costs down is a constant prerogative for WSDOT, Section 106 compliance is a legal obligation.

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It is not the intent of this letter to highlight each and every issue that came out of the July 13, 2011 meeting. Notes provided by the Army Corps of Engineers, along with comments already received from other consulting parties, have effectively identified other issues. This letter, rather, is meant to re-assert comments the Washington Trust provided at the meeting and expand on those thoughts accordingly.

I look forward to continued discussions as this process unfolds and appreciate the investment of all parties involved.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Moore". The signature is fluid and cursive, with the first name "Chris" and last name "Moore" clearly distinguishable.

Chris Moore
Field Director

CC: Chris Jenkins, USACE
Roger Kiers, WSDOT